IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.11679 of 2001

Between:

P.Govardhan Rao, s/o.Venkata Ratnam, 55 years,
Eluru, West Godavari District.

...PETITIONER

AND

1. Andhra Pradesh State Road Transport Corporation, rep.by its Vice Chairman & Managing Director, Musheerabad, Hyderabad – 500 020.
2. The Chairman, APSRTC, Musheerabad, Hyderabad – 500 020.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order direction or writ particularly one in the nature of Writ of Mandamus declaring the punishment of reduction of pay by two incremental stages permanently vide proceedings No.Ec/114 (25) /98-PD dated 17.01.2000 (2) declaring the proceedings of Chairman, A.P.S.R.T.C. No. Ec/19 (6) /2000-PD dated 28.05.2001 is illegal and arbitrary and consequently set aside the punishment.

Counsel for the Petitioner: MR.G.VIDYASAGAR

Counsel for the Respondents: R.MANMADHA REDDY (SC FOR A.P.S.R.T.C.)

The Court made the following:

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.11679 of 2001

ORDER:

Heard Sri G.Vidyasagar, the learned counsel appearing for the petitioner and Sri R.Manmadha Reddy, the learned Standing Counsel appearing for the respondents.

The petitioner herein, who was working as a Divisional Manager/Deputy Chief Mechanical Engineer at the relevant point of time, filed this Writ Petition, *inter alia*, seeking a writ of mandamus to assail the order of imposition of punishment of reduction of pay by two incremental stages permanently as per the proceedings No.EC/114 (25)/98-PD dated 17.01.2000 and the subsequent proceedings No.EC/19 (6)/2000-PD dated 28.05.2001 as illegal and arbitrary.

The case of the petitioner, in brief, is that having regard to certain observations made by this Court in Writ Petition Nos.8102 of 1997 and 15908 of 1997 dated 24.11.1998 in regard to certain irregularities committed at the time of selection for appointment to the post of Drivers Grade III, the petitioner was called upon by way of a show cause notice dated 17.12.1999 as to why action should not be taken for such irregularities. Ultimately, basing upon the said observations made by this Court, the impugned punishment of reduction of pay by two incremental stages permanently was imposed. Hence, the Writ Petition.

The learned counsel appearing for the petitioner submitted that as against the said orders, Writ Appeals were filed before the Division Bench in W.A.No.2280 of 1998 and batch. The same were disposed of as per the order dated 28.06.2002 allowing the Writ Appeals and setting aside the judgment dated 24.11.1998 in W.P.Nos.8102 and 15908 of 1997 and restored the said Writ Petitions. Further, both the Writ Petition Nos.8102 and 15908 of 1997 were dismissed by an order dated 04.03.2003 and the matter was remitted for fresh consideration. In view of the same, it cannot be said that the grounds, on the basis of which the impugned action was initiated, still remain in force.

The learned Standing Counsel appearing on behalf of the respondents does not dispute with regard to the subsequent events whereby the Division Bench of this Court set aside the initial order and ultimately, the main Writ Petitions were dismissed.

Having considered the submissions made and on perusal of the material available on record, there is no dispute with regard to the chequered events, especially the writ proceedings resulting into initiation of disciplinary action against the petitioner. However, ultimately the Division Bench set the judgment aside and subsequently, the Writ Petitions were dismissed on merits. On the face of it, it is amply clear that the grounds, which led to the initiation of disciplinary action, can no longer subsist or form part of disciplinary action against the petitioner. In view of such judicial finding given by this Court, the entire impugned action is wholly unsustainable and would not stand to scrutiny of law.

The Writ Petition is allowed. Both the impugned orders are set aside restoring the said increments to which the petitioner is entitled to.

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(B.PRAKASH RAO, J)

21st March 2005

RRB/Chvn

That Rule Nisi has been made absolute as above.

Witness the Hon'ble Sri Devinder Gupta, the Chief Justice on this Monday, the Twenty first day of March Two thousand and five.

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The Vice Chairman & Managing Director, Andhra Pradesh State Road Transport Corporation, Musheerabad, Hyderabad – 500 020.
2. The Chairman, APSRTC, Musheerabad, Hyderabad – 500 020.
3. Two CD copies.